

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

**In Re: Conditions for Probation     )  
and Supervised Release             )**

**Order No. 2009 - 1**

**ORDER**

In consideration of Chapter 5, Parts B & D, of the United States Sentencing Guidelines Manual, the undersigned Senior Judge of the United States District Court for the Northern District of Indiana now **ADOPTS** the attached Mandatory, Standard and Special Conditions for both probation and supervised release. The Standard Conditions shall be imposed in all cases; however, any Mandatory or Special Condition may be imposed as this sentencing judge deems appropriate on a case by case basis. This sentencing judge may order, as a further condition of supervision, any other condition he considers to be appropriate.

**SO ORDERED** this 17th day of August, 2009.

/S/ JAMES T. MOODY  
James T. Moody, Senior Judge

### **MANDATORY CONDITIONS**

- \_\_\_\_\_ 1. The defendant shall not commit another federal, state or local crime.
- \_\_\_\_\_ 2. The defendant shall not unlawfully possess a controlled substance.
- \_\_\_\_\_ 3. If convicted of a domestic violence crime as defined in 18 U.S.C. §3561(b), the defendant shall participate in a public, private, or non-profit offender rehabilitation program, at defendant's own expense, as approved and directed by the probation officer in consultation with a State Coalition Against Domestic Violence or other appropriate expert.
- \_\_\_\_\_ 4. The defendant shall not use illegal drugs, shall not associate with drug users and drug sellers and shall submit to random drug testing, at the defendant's own expense, beginning within fifteen days of placement on supervision and at least sixty periodic drug tests annually thereafter, as approved and directed by the probation officer, to determine whether the defendant has reverted to the use of illegal drugs. The probation office may utilize the Administrative Office of the United States Court's phased collection process.
- \_\_\_\_\_ 5. The defendant shall submit to and cooperate with the collection of a DNA sample by the probation officer as required by 42 U.S.C. §14135(a).
- \_\_\_\_\_ 6. The defendant shall fully comply with the requirements of the Sex Offender Registration and Notification Act; report the address where the defendant will reside and any subsequent change of residence to the probation officer; register and keep such registration current as a sex offender in any state where the defendant resides, is employed, carries on a vocation, or is a student; and provide the probation officer with the information required by 42 U.S.C. §16914.

### **STANDARD CONDITIONS**

- \_\_\_\_\_ 1. The defendant shall not leave the judicial district or other specified geographic area without the permission of the court or probation officer.
- \_\_\_\_\_ 2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- \_\_\_\_\_ 3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- \_\_\_\_\_ 4. The defendant shall support the defendant's dependents and meet other family responsibilities.

\_\_\_\_\_ 5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.

\_\_\_\_\_ 6. The defendant shall notify the probation officer at least ten days before any change of residence or employment.

\_\_\_\_\_ 7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician.

\_\_\_\_\_ 8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered, or other places specified by the court or probation officer.

\_\_\_\_\_ 9. The defendant shall not associate with any person engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.

\_\_\_\_\_ 10. The defendant shall permit a probation officer to visit the defendant at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.

\_\_\_\_\_ 11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

\_\_\_\_\_ 12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.

\_\_\_\_\_ 13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

\_\_\_\_\_ 14. The defendant shall pay the special assessment and any other financial obligations imposed by the court that have not been paid at the time of placement on supervision in accordance with the court-established payment schedule.

\_\_\_\_\_ 15. The defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay any unpaid special assessment or court imposed financial obligation.

### **SPECIAL CONDITIONS**

\_\_\_\_\_ 1. If the defendant is deported or excluded from the United States, either voluntarily or involuntarily, the defendant shall not reenter the United States without legal permission and if reentry into the United States occurs, the defendant shall report to the nearest probation office within seventy-two hours of reentry.

\_\_\_\_\_ 2. Whether or not the defendant is deported or excluded from the United States, the defendant shall comply with the rules and regulations of the Bureau of Immigration and Customs Enforcement under the United States Department of Homeland Security.

\_\_\_\_\_ 3. The defendant shall participate in a General Equivalency Degree (GED) Preparation Course, at the defendant's own expense, and attempt to obtain a GED within the first year of supervision.

\_\_\_\_\_ 4. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

\_\_\_\_\_ 5. The defendant shall not incur new credit charges or open additional lines of credit or other financial accounts without the prior approval of the probation officer.

\_\_\_\_\_ 6. The defendant shall provide the probation officer any and all requested financial information, including copies of state and federal tax returns.

\_\_\_\_\_ 7. The defendant shall participate in financial counseling, at the defendant's own expense, as approved and directed by the probation officer.

\_\_\_\_\_ 8. The defendant shall not seek or maintain employment that includes unsupervised financial or fiduciary-related duties, without the prior approval of the probation officer.

\_\_\_\_\_ 9. The defendant shall not transfer, give away, sell or otherwise convey any asset valued at more than \$500.00 without the prior approval of the probation officer.

\_\_\_\_\_ 10. The defendant shall participate in (drug abuse) (and) (alcohol abuse) (and) (mental health) (and) (anger management) referral, assessment, and treatment programs, at the defendant's own expense, as approved and directed by the probation officer, and the defendant shall take any medications prescribed by a licensed medical provider.

\_\_\_\_\_ 11. The defendant shall not consume alcohol and shall submit to random blood-alcohol or breathalyzer testing, at the defendant's own expense, within fifteen days of placement

on supervision and at least sixty periodic blood-alcohol or breathalyser tests annually thereafter, as approved and directed by the probation officer, to determine whether the defendant has reverted to the use of alcohol. This condition overrides the "no excessive use of alcohol" language in Standard Condition # 7.

\_\_\_\_\_ 12. The defendant shall submit the defendant's person, property, residence, office or vehicle to a search conducted by a probation officer, at a reasonable time and in a reasonable manner, whenever the probation officer has reasonable suspicion of contraband or of the violation of a condition of supervision. Failure to submit to a search may be a ground for revocation and defendant shall warn any other residents that the premises the defendant is occupying may be subject to searches pursuant to this condition.

\_\_\_\_\_ 13. (If the defendant is not deported and has not been granted prerelease placement in a residential reentry center,) the defendant shall reside for a period of \_\_\_\_\_ (days) (months), to begin (immediately) (within thirty days) following the defendant's placement on supervision in a residential reentry center approved by the probation officer and the defendant shall abide by all of the rules and regulations of that residential reentry center.

\_\_\_\_\_ 14. The defendant shall be placed on home detention, with electronic monitoring or an approved alternative, equally effective, form of surveillance, at the defendant's own expense, to ensure compliance with this condition, for a period of \_\_\_\_\_ months, to begin within thirty days of the defendant's placement on supervision. During this time, the defendant shall remain at the defendant's place of residence except for times specifically authorized in advance by the probation officer.

\_\_\_\_\_ 15. If not employed at a regular lawful occupation, the defendant shall perform at least twenty hours of community service each week and participate in a job skill training and counseling program, daily job search or other employment-related activities, at the defendant's own expense, all as approved and directed by the probation officer, to begin within the first ninety days of placement on supervision.

\_\_\_\_\_ 16. The defendant shall perform \_\_\_\_\_ hours of community service as directed by the probation officer.

\_\_\_\_\_ 17. The defendant shall register with local law enforcement agencies and the state attorney general, as directed by the probation officer.

\_\_\_\_\_ 18. The defendant shall neither possess nor have under the defendant's control any matter that is pornographic or that depicts or describes sexually explicit conduct as defined by 18 U.S.C. §2256, or any matter depicting or describing sexual activity involving a person under the age of eighteen.

\_\_\_\_\_ 19. The defendant shall not have contact with children eighteen years old or younger.

\_\_\_\_\_ 20. The defendant shall participate in a program for the treatment and monitoring of sex offenders, at the defendant's own expense, and as approved and directed by the probation officer.

\_\_\_\_\_ 21. The defendant shall not borrow, rent, use, own, have in defendant's possession or control, or have access to a computer or any other kind of electronic communications or data storage or media devices that can connect to or have access to computer internet services.

\_\_\_\_\_ 22. The defendant shall submit the defendant's person, property, residence, office, vehicle, papers, computer, and other electronic communications or data storage or media devices to a search conducted by a law enforcement or probation officer, with or without a warrant, at any time, whenever the law enforcement or probation officer has reasonable suspicion concerning a violation of Special Conditions 18, 19, or 21.